

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WEI WANG,

Petitioner,

v.

DONALD HOLBROOK,

Respondent.

Case No. C21-1353-JHC-SKV

ORDER OF DISMISSAL

Having reviewed the Report and Recommendation (R&R) of the Honorable S. Kate Vaughan, United States Magistrate Judge (Dkt. # 32), Plaintiff's objections (Dkt. # 33), the remaining record, and the applicable law, the Court ORDERS:

(1) The Court has reviewed this matter de novo and agrees with the conclusions in the R&R. The objections clearly lack merit. For instance, the R&R explains that the doctrine of exhaustion bars Petitioner's first and fourth claims. The objections do not address this procedural bar. They instead appear to address the merits of the claims. *See, e.g.*, Dkt. # 32 at 1 ("The lies still be used and believed in R&R to crease opposite family background of my case."). Nor do the objections confront the R&R's legal analysis as to Plaintiff's second and third claims. For example, the R&R says that Petitioner provided no argument or authority to support the

1 position that “evidence of immigration status was ‘highly relevant’ because it helped paint the
2 ‘whole big picture’ about his case to the jury, and that excluding ‘absolutely’ violated his right to
3 present a defense.” Dkt. # 32 at 19. And likewise, the objections do not provide any legal
4 authority to support this argument. Nor do they address the R&R’s analysis of his claim that the
5 State failed to prove the absence of self-defense. Accordingly, the Court ADOPTS the Report
6 and Recommendation.

7 (2) Petitioner’s petition for writ of habeas corpus is DENIED without an evidentiary
8 hearing, and this action is DISMISSED with prejudice.

9 (3) A certificate of appealability is DENIED. *See* 28 U.S.C. § 2253(c).

10 (4) The Clerk is directed to send copies of this Order to the parties and to Judge
11 Vaughan.

12 Dated this 15th day of September, 2023.

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14 JOHN H. CHUN
United States District Judge
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